

Decision Memo

North Elk Creek Backcountry Barrier Project

USDA Forest Service
Blanco Ranger District, White River National Forest
Rio Blanco County, Colorado
T1S, R92W section 13

Decision

I have decided to implement a temporary fish barrier project in North Elk Creek, in cooperation with Colorado Parks and Wildlife (CPW), and Trout Unlimited. The temporary fish barrier(s) is needed to complement the existing North Elk Creek Fish Barrier Project. The project area is approximately 15 miles east of the town of Meeker, Colorado, and encompasses the three headwater tributaries of North Elk Creek.

This action would construct one or more temporary backcountry barrier(s) to fish passage in the headwater streams of North Elk Creek that would isolate the headwaters from downstream stream reaches. This action would create options for CPW in conducting a connected action to chemically reclaim and repopulate the North Elk headwaters with native blue lineage Colorado River Cutthroat Trout (*Oncorhynchus clarkii pleuriticus*; cutthroat).

The backcountry barrier site(s) would be accessed via Forest Service (FS) road 2-54.1, through private lands.

The following Design Criteria have been incorporated to address resource concerns:

Hydrology

1. Add or remove rocks, wood, or other material in streams or lakes only if such actions maintain or improve stream health. Avoid altering the stream bed and banks and maintain the natural character of the stream.
2. Avoid soil-disturbing actions during periods of heavy rain or wet soils. Operate heavy equipment within unit boundaries only when soil moisture is below the plastic limit, or protected by at least 1 foot of packed snow or 3 inches of frozen soil. Soil moisture exceeds the plastic limit if the soil can be rolled into 3mm threads without breaking or crumbling.
3. Minimize Connected Disturbed Area by ensuring that roads, road ditches, and other disturbed areas drain to undisturbed soils rather than directly to streams. Manipulate drainage from disturbed areas as necessary using natural topography, rolling dips, waterbars, ditch-relief pipes or culverts, etc., to disconnect disturbed areas from streams.
4. Install or maintain fish migration barriers only if needed to protect endangered, threatened, sensitive, or unique native aquatic populations, and only where natural barriers do not exist.

Weeds and other non-native plants

5. If possible, pre-treat noxious weeds during the year prior to barrier construction to reduce seed load
6. Hand pull within 50 ft of barrier construction for 3 years after project implementation
7. Keep disturbance footprint and bare soil created by the project to a minimum
8. Any revegetation efforts should use local plant transplants as much as possible rather than bought seed. If bought seed must be used, it should be from species also present in the project area

Archeology

9. If cultural sites are identified within the project area, they will be recorded, and avoided or mitigated

Background

This project will complement the currently underway North Elk Fish Barrier Project (authorized by a Decision Memo in 2017). The North Elk Fish Barrier Project will construct a permanent fish barrier on the mainstem of North Elk Creek. Following completion of that permanent barrier, CPW will conduct a chemical reclamation to remove all non-native fish from upstream of the permanent barrier. Following non-native removals, CPW will repopulate the watershed upstream of the permanent barrier with native cutthroat. The temporary barrier(s) authorized here will provide CPW with additional options when conducting the chemical treatment and in their efforts to repopulate the upper North Elk watershed. By creating an isolated stream reach above a temporary barrier, CPW would have use of that reach to “cache” cutthroat out of harm’s way during the chemical treatment, to otherwise assist in efforts to repopulate the upper watershed, or shorten the length of stream that needs to be treated, for example.

Temporary or backcountry barriers will be built out of logs cut from conifers harvested onsite. Trees will be felled, cut to length, each log will be cut flat top and bottom so that they can be stacked without gaps, and keyed into the streambanks. The result will be an approximately 5-foot tall wooden dam. Temporary barriers would be built and used for approximately 5 - 10 years and then would be dismantled. At the end of the period of use, the logs from the barrier will go into the channel and the banks will be recontoured to their original configuration. One temporary barrier will be installed in the Middle Fork of North Elk Creek, though additional barriers in other locations could be considered.

Purpose and Need

The purpose of the proposed action is to:

- Support CPW's connected action to reclaim the North Elk Creek headwaters for native cutthroat

This proposed action is needed because:

- Conservation Populations of cutthroat in Colorado have been reduced to about 7% of their historic range. Forest Service Region 2, which includes the White River National Forest, is a partner in an agreement to pursue projects that further cutthroat conservation (CRCT Conservation Team, 2006).
- Direction in Forest Service Region 2 is to manage habitat for Sensitive species so as to prevent federal listing. Actions that increase the spatial distribution of cutthroat may help prevent federal listing.
- The Conservation Population of cutthroat in North Elk Creek is at risk from whirling disease and competition from non-native species.
- Hybridization and competition with non-native fish species were/are substantial contributing factors in the contraction of cutthroat distribution.
- The habitat in North Elk Creek and its tributaries is believed to be of sufficient size and quality to be capable of sustaining a relatively large population of cutthroat indefinitely.

Reasons for Categorical Exclusion

I have concluded that this action can be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within an approved category of exclusion under 36 CFR 220.6(e)(6): *Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.* A Project File and Decision Memo are required. The purpose of the project is to construct temporary fish barrier(s) to facilitate the connected CPW action that would "improve wildlife habitat" for native cutthroat by eliminating competing non-native fish species from the upper North Elk Creek watershed. No temporary access roads would be constructed. Therefore, the Categorical Exclusion cited is appropriate.

There are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. The following resource conditions were considered as part of this analysis:

Findings for each of the 7 extraordinary circumstances 36 CFR 220.6(b):

- (i) Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:

Aquatic species: The action would **beneficially impact** Forest Service Sensitive blue lineage Colorado River Cutthroat Trout (Biological Evaluation and Assessment for Aquatic Species related to the North Elk Creek Backcountry Barrier Project, 2021).

Terrestrial wildlife: The action would have **no effect** on any federally listed terrestrial wildlife species and **no impact** to any Sensitive terrestrial wildlife species (Potter, Small NEPA Day, 2021).

Plants: The action would have no effect on any federally listed plant species.

Therefore, no extraordinary circumstances need to be considered for these resources.

- (ii) Flood plains, wetlands, or municipal watersheds:

Floodplains – The proposed project would restore and preserve the natural and beneficial values served by floodplains. The Forest Service would evaluate potential effects on floodplains; consider alternatives to avoid adverse effects in floodplains; minimize potential harm; and allow the public early notification and review opportunities of plans or proposals within floodplains. Project design criteria would insure maintenance of adequate energy dissipation potential for high flow events throughout the reach where the barrier has been proposed.

Wetlands – Application for the appropriate Clean Water Act permits(s) would be made and all State of Colorado and Army Corps of Engineer requirements, best management practices, and design criteria would be followed.

Municipal Watersheds – The North Elk Creek drainage is not a designated municipal watershed. There are no public surface water intake point locations near the proposed project area.

Therefore, no extraordinary circumstances need to be considered for these resources.

- (iii) Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas:

None of these types of areas are present in the analysis area.

- (iv) Inventoried roadless area or potential wilderness area:

None of these types of areas are present in the analysis area.

- (v) Research natural areas:

None of these types of areas are present in the analysis area.

- (vi) American Indian and Alaska Native religious or cultural sites:

A Class II Cultural Resource Inventory will be performed and any identified cultural sites will be recorded and avoided or mitigated.

- (vii) Archaeological sites, or historic properties or areas.

None of these types of areas are present in the analysis area.

Public Involvement

This project was first listed in the Schedule of Proposed Actions on May 27, 2021. The proposal was discussed via letter with the Balcomb family (whose lands we cross to access the site) sent February 5, 2021 and subsequent phone calls with the family. The Balcomb family expressed support for the continuation of this project.

Findings Required by Other Laws

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act. Standards and guidelines will be applied as appropriate to meet Forest Plan goals, objectives, and desired conditions.

This decision is compliant with the Endangered Species Act and the National Historic Preservation Act. Please see the previous extraordinary circumstances discussion for explanation.

This decision will be compliant with the Clean Water Act as a (ACOE Sec. 404 permit) will be required and obtained.

Administrative Review or Appeal Opportunities

The approved activities within this decision are not subject to appeal in accordance with the Consolidated Appropriations Act of 2014, Pub. L. No. 113-76, 128 Stat. 5 (2014). Section 431 of the Act directs that the 1993 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) ... “shall not apply to any project or activity implementing a land and resource management plan...that is categorically excluded...under the National Environmental Policy Act (NEPA).”


Implementation Date

Temporary barrier construction is tentatively scheduled to be implemented between the summer/fall of 2021 and the summer/fall of 2025.

Contact Person

For additional information concerning this decision, contact R. Clay Ramey, West Zone Fisheries Biologist, White River National Forest, 94 CR 244, Rifle, Colorado 81650, 970-625-6849, robert.ramey@usda.gov.


Curtis Keetch
Blanco District Ranger


Date

References

CRCT Conservation Team. 2006. Conservation agreement for Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*) in the States of Colorado, Utah, and Wyoming. Colorado Division of Wildlife, Fort Collins. 10p.

Hirsch, C.L., M.R. Dare, and S.E. Albeke. 2013. Range-wide status of Colorado River cutthroat trout (*Oncorhynchus clarkii pleuriticus*): 2010. Colorado River Cutthroat Trout Conservation Team Report. Colorado Parks and Wildlife, Fort Collins.

Metcalf, J.L., S.L. Stowell, C.M. Kennedy, K.B. Rogers, D. McDonald, J. Epp, K. Keepers, A. Cooper, J.J. Austin, and A.P. Martin. 2012. Historical stocking data and 19th century DNA reveal human-induced changes to native diversity and distribution of cutthroat trout. *Molecular Biology* 21:5194-5207.

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